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Charles L. Bricant, U.S.D.J.  
United States District Court  
Southern District of New York  
300 Quarropas Street, Room 275  
White Plains, NY 10601  
VIA TELEFAX (914) 390-4085

RECEIVED  
September 25, 2007

Application granted  
Conference now scheduled  
for November 9, 2007, 9:00 AM  
to be held  
Sept 27, 2007  
Charles L. Bricant  
USDB

Re.: Eugeniusz Potoczny v. Zeke Prorokovic, Inc. et al.  
Index No.: 07 - 3541 (CLB) (GAY)

Dear Judge Bricant,

I represent the Plaintiffs in the above-referenced matter. By this letter, Plaintiff's respectfully request an adjournment of the mediation scheduled for September 26, 2007 to October 30, 2007 and an adjournment of the status conference before Your Honor on September 28, 2007 to any date this Court deems appropriate. This is a first request for relief of this kind. There is no prejudice to any party and Defendants consent to this request. Pursuant to this Court's direction, both parties represent that there will be no further adjournments of said mediation.

There are two reasons for this request. First, the mediator had originally scheduled a mediation between the parties for tomorrow, September 26. The mediator subsequently cancelled that appointment. I then scheduled a settlement conference in a different matter for that date. Then, on September 24, the mediator reinstated the mediation for September 26. I cannot reschedule the mediation for some other date this week because of my obligations in other cases. Second, I cannot attend a mediation in this case until at least October 24, 2007. I will be out of the country from October 2 to October 23. I planned this trip well before the mediator decided to reinstate his withdrawn mediation appointment for September 26.

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Plaintiffs and Defendants request an adjournment of the September 28 status conference before Your Honor because it would be fruitless to appear before this Court without having completed the mediation. This Court's permitting an adjournment of the status conference until after the parties have attended mediation would make the conference far more productive.

Thank you for your attention to this matter.

Sincerely,

Robert Wisniewski

cc: Thomas J. Troetti, Esq.  
Counsel for Defendants